

CARTER LEDYARD MILBURN

Alan S. Lewis

Partner

lewis@clm.com

May 20, 2025

VIA ECF

Hon. Arun Subramanian
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 15
New York, NY 10007-1312

Re: *Wang v. Sussman, et al.*, No. 1:24-cv-03987 (AS) (RWL),
[rel. 1:24-cv-03356 (AS) (RWL)], [rel. 1:24-cv-03348 (AS) (RWL)]

Dear Judge Subramanian:

We write to request permission to file a sur-reply memorandum of law in connection with Defendants' pending motion for legal fee shifting. In their recently filed reply memorandum (ECF #100), Defendants made various arguments not set forth in their moving memorandum (ECF #71). For example, Defendants argued only in reply that their motion can be reconciled with the statutory requirements of New York Civil Rights Law Section 70-a, and likewise argued only in reply that requiring Mr. Wang to pay their legal fees for his concededly non-frivolous lawsuit can be reconciled with the First Amendment right to petition. While Wang raised these issues in his opposition to the fee motion, he was not able to address any specific arguments on these points from Defendants, which had not yet made any such arguments. Affording a sur-reply would allow each side one opportunity to attempt to rebut the arguments advanced by the opposing side on each legal issue.

Sincerely,

/s/ Alan S. Lewis

Alan S. Lewis

ASL:bp

cc: **VIA ECF**

All Counsel of Record

28 Liberty Street, 41st Floor
New York, NY 10005
D / 212-238-8647

The request is GRANTED. A sur-reply of no more than 5 pages may be filed no later than Wednesday, May 28, 2025. The Clerk of Court is directed to terminate the motion at Dkt. 101.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Dated: May 21, 2025